IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2234 OF 2006.
IN
FIRST APPEAL NO. 518 OF 2006.

Fr.William Athaide. ... Applicant.
Versus.
Swedamber Murtipujak Topa and others. ... Respondents.

Shri A.M.Rajabally for the Applicant.
Ms.Neeta Dholakia i/by Shri D.D.Jani for the Respondents Nos.1 to 11.

CORAM : ABHAY S.OKA, J.

DATED : 22nd February, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. My attention has been invited to the findings recorded by the trial Court in the impugned Judgment. The correctness of the said findings is being disputed by both the parties. The trial Court has found that the original Plaintiff has failed to prove possession of the service passage and even the Defendants Nos.1 to 13 have failed to prove that they were put in possession of the service passage. Considering the nature of findings, it will be appropriate that the status-quo as of today in respect of the service passage is maintained by the parties till final disposal of the Appeal. Hence the Civil Application is disposed of by directing the parties to maintain status-quo as of today in respect of the service passage till the final disposal of the Appeal.

Judge.